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PTO/SB/05 (03-01)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	11072-013-999	Total Pages	243
First Named Inventor or Application Identifier			
Dana M. FOWLKES			
Express Mail Label No.	EV335855666US		

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

Address to:

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 194]
(preferred arrangement set forth below, MPEP 1503.01)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 11]
5. ☒ Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. ☒ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ paper
c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/286,166 filed April 5, 1999.

Prior application information:

Examiner: Michael T. Brannock

Group Art Unit: 1646

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number

20583

or ☐ Correspondence address below

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Michael T. Brannock

Art Unit 1646

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/286,166 filed on April 5, 1999, , which is a continuation-in-part of 08/322,137, filed October 13, 1994, which is a continuation-in-part of 08/309,313, filed September 20, 1994 (abandoned), which is a continuation-in-part of 09/190,328 (abandoned), which is a continuation-in-part of 08/041,431, filed March 31, 1993 (abandoned).

Dana M. Fowlkes, Jim Broach, John Manfredi, Christine Klein, Andrew J. Murphy, Jeremy Paul and Joshua of Trueheart

(inventor(s) currently of record in prior application)

YEAST CELLS ENGINEERED TO PRODUCE PHEROMONE SYSTEM PROTEIN SURROGATES, AND
for USES THEREFOR

(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	120	- 20	100	\$18.00 each	\$ 0.00
Independent	7	- 3	4	\$84.00 each	\$ 0.00
Minimum Fee					\$ 0.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
Total					\$ 0.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 0.00

2. ☐ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation, of application no. 09/286,166 , filed April 5, 1999, which is a continuation-in-part of 08/322,137, filed October 13, 1994, which is a continuation-in-part of 08/309,313, filed September 20, 1994 (abandoned), which is a continuation-in-part of 09/190,328, which is a

continuation-in-part of 08/041,431, filed March 31, 1993 (abandoned)

- 4a. ☐ New formal drawings are enclosed.
- 4b. ☒ Informal drawings are enclosed.
- 5a. ☒ Priority of application no. 09/286,166 filed on April 5, 1999 in U.S. is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Cadius Technologies, Inc..
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/286,166, filed April 5, 1999 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
- 8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no 09/286,166., filed on April 5, 1999 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. 09/286,166. A copy of the paper Sequence Listing from application no. 09/286,166 is enclosed.
- 9. ☒ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. 09/286,166 is the same as the content of the computer readable form submitted in application no. 09/286,166.
- 10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- 11. ☒ Additional enclosures or instruction:
Claims 1-88 have been substantially copied from U.S. Patent Number 6,406,871 B1 ("the '871 patent") by Pausch et al., which issued on June 18, 2002, and essentially correspond to claims 1-88 of the '871 patent.

Respectfully submitted,

Date June 18, 2003

Laura A. Coruzzi

30, 742

Laura A. Coruzzi

(Reg. No.)

PENNIE & EDMONDS LLP

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by Gleen Z. Falvey 46,097